

DISPOSITION: November 24, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$125, plus costs.

**3335. Misbranding of vitamin tablets. U. S. v. 197 Bottles \* \* \*. (F. D. C. No. 29736. Sample No. 13745-K.)**

**LIBEL FILED:** September 18, 1950, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about July 18, 1950, from Buffalo, N. Y.

**PRODUCT:** 197 bottles, each containing approximately 80 tablets, of *vitamin A & D with dicalcium phosphate* at Chambersburg, Pa., in the possession of H. Weber & Co.

**RESULTS OF INVESTIGATION:** This product was shipped in 5,000-tablet bottles. It was repackaged and relabeled by the consignee, H. Weber & Co., of Chambersburg, Pa.

**LABEL, IN PART:** (Bottle) "Vitamin A & D With Dicalcium Phosphate Vitamin A 3140 U. S. P. Units Viosterol 314 U. S. P. Units Dicalcium Phosphate 1 gr. One tablet taken daily contains approximately the minimum daily requirement of vitamin A & D. The equivalent of one teaspoonful Cod Liver Oil U. S. P. strength. Builds resistance to colds and disease Distributed by H. Weber & Co., Chambersburg, Pa."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the label statement "Builds resistance to colds and disease" was false and misleading as applied to an article which was not effective to build resistance to colds and disease. The article was misbranded while held for sale after shipment in interstate commerce.

The product was charged also to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: November 24, 1950. Default decree of condemnation and destruction.

**3336. Misbranding of Lee's iron tonic. U. S. v. 78 Bottles \* \* \*. (F. D. C. No. 29662. Sample No. 75160-K.)**

**LIBEL FILED:** July 27, 1950, Southern District of Mississippi.

**ALLEGED SHIPMENT:** On or about May 11, 1950, by the J. J. Lee Co., from Marshall, Tex.

**PRODUCT:** 78 1-quart bottles of *Lee's iron tonic* at McComb, Miss., together with a number of leaflets entitled "The Bible Says."

**LABEL, IN PART:** "Lee's Iron Tonic Appetizer \* \* \* Active Ingredients: Iron and Ammonium Citrates, Gentian Root, Thiamine Hydrochloride and a trace of Copper Sulfate (iron catalyst)."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the accompanying leaflets were false and misleading. The statements represented and suggested that the article would restore vigorous and robust health to weak, puny people; that it would prevent many serious illnesses; that it was useful in the treatment of kidney diseases, inflammation of the kidneys, Bright's disease, pyelitis, etc.; that it would make the bowels move freely; that it would nourish the muscles and give them great resilience; that it would increase muscle tone, improve digestion, and make one buoyant, robust, and healthy; that it would make one feel better, eat better, and look better; that it would build up energy; and that it would give tired, run-down, nervous,

listless folks new pep, vigor, and vim, and end that lazy sluggish feeling. The article was not capable of fulfilling the promises of benefit stated and implied.

DISPOSITION: November 7, 1950. Default decree of condemnation. Following the entry of the decree, the court ordered that the product be destroyed.

3337. Misbranding of Chase Formula. U. S. v. 7 Cases \* \* \*. (F. D. C. No. 30325. Sample No. 81874-K.)

LIBEL FILED: December 6, 1950, Southern District of Florida.

ALLEGED SHIPMENT: On or about April 24, 1950, by the Chase Laboratory, from Detroit, Mich.

PRODUCT: *Chase Formula*. 7 cases, each containing 12 cartons and each carton containing a 2-ounce bottle, of the product at Miami, Fla. Examination disclosed that the product was a perfumed emulsion of oil and water, containing not more than 1 percent of alcohol.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the article and in an accompanying circular entitled "A New Achievement in Laboratory Science" were false and misleading since the article was not effective in the treatment or prevention of the diseases or conditions of the body stated and implied, and contained not more than 1 percent of alcohol. The statements represented and suggested that the article contained 25 percent of denatured alcohol; that it would be effective in the treatment and prevention of impetigo, Florida sores, body lice, many types of eczema and other skin afflictions caused by external infection, muck itch, and mango poisoning; and that it would relieve the itching and burning of hives and shingles.

DISPOSITION: January 12, 1951. Default decree of condemnation and destruction.

3338. Misbranding of Gyro-Lator reducing devices. U. S. v. 1 C. F. L. foot and leg unit, etc. (F. D. C. No. 29746. Sample Nos. 33711-K to 33718-K, incl.)

LIBEL FILED: September 26, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about September 28, 1948, December 7, 12, and 19, 1949, and January 4 and February 10, 1950, by Gyrolator Division of Aciform Corp., at Chicago, Ill.

PRODUCT: 1 C. F. L. foot and leg unit, 2 Gyro Slim belts, 1 No. 6 saddle, 1 No. 9 chair, 2 Gyro Trim chairs, 3 A. T. C. treatment tables, 1 DF manual applicator for the face, and 3 DX manual applicators for the body, at Sacramento, Calif., in the possession of Gyro-ucing Salon, together with a placard entitled "Introducing The Famous Gyro-ucing," a booklet entitled "Gyro-ucing Method Directions For The Use of Gyrolator Units," 600 pamphlets entitled "Tip To Toe Figure Beauty," and 1,600 cards entitled "Cheer Up! Reduce! Relax!"

Each of the devices contained an electric motor connected to it so that the device would produce a vibration or oscillation.

NATURE OF CHARGE: Misbranding, Section 502 (a), the placards, booklets, pamphlets, and cards accompanying the devices contained certain statements which were false and misleading. These statements represented and suggested that the devices were effective in bringing about a reduction in weight, producing a slim figure, retaining youth, erasing lines, and producing good health